

Civil Revision No. 377 of 2001
Old No. 254 of 2000

Hon. P.C. Pant, J.

None present for the revisionist.

This revision is directed against the order dated 09.05.2000, passed in Misc. Case No. 56 of 1999, whereby the application under Order IX Rule 13 of Code of Civil Procedure, 1908, read with Section 17 of Provincial Small Cause Courts Act, 1887, is dismissed.

I have gone through the impugned order. The mandatory compliance of proviso to section 17 of the said Act, has not been made at the time of moving the application for setting aside the ex-parte decree. As such, there is no jurisdictional error or other material illegality in rejection of the application by the trial court.

Accordingly, the revision is dismissed in limine. The stay order dated 05.06.2000, is vacated. Registry is directed to inform the court concerned.

(P.C. Pant, J.)

Dt. 24.03.2006

Sweta